

**035IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RYSTA LEONA SUSMAN, as Legal Guardian of  
SHANE ALLEN LOVELAND, et al.,

Plaintiffs,

v.

GOODYEAR TIRE & RUBBER COMPANY, et al.,

Defendants.

CIVIL ACTION NO.: 2:17-cv-03521

**THE GOODYEAR TIRE & RUBBER COMPANY'S  
MOTION TO TRANSFER THE ACTION TO  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA**

Defendant The Goodyear Tire & Rubber Company hereby moves under 28 U.S.C. § 1404(a) to transfer this action to the United States District Court for the District of Nebraska. Such transfer is appropriate for two reasons.

First, the action originally could have been brought in that district. Plaintiffs, Nebraska residents, seek damages allegedly resulting from a 2015 motor vehicle accident in Nebraska. Thus, the District of Nebraska is “a judicial district in which a substantial part of the events . . . giving rise to the claim occurred.” 28 U.S.C. § 1391(b)(2).

Second, the factors enumerated in 28 U.S.C. § 1404(a) and considered in *Jumara v. State Farm Ins. Co.*, 55 F.3d 873 (1995) favor transfer. Put simply, plaintiffs’ claims have no tie whatsoever to the Eastern District of Pennsylvania. Plaintiffs reside in Nebraska; the accident at issue occurred in Nebraska; plaintiffs’ alleged injuries were suffered (if at all) and treated in a hospital by medical professionals in Nebraska; and eyewitnesses and other evidence are located in Nebraska. In fact, it appears that plaintiffs’ only tie to this judicial district is the location of

their attorneys. However, it is well-settled that the location and convenience of plaintiffs' counsel is not a factor to be considered under 28 U.S.C. § 1404(a). *See Solomon v. Cont'l Am. Life Ins. Co.*, 472 F.2d 1043, 1047 (3d Cir. 1973); *Wilson v. TA Operating, LLC*, No. 13-1093, 2014 WL 1053589, at \*2 (E.D. Pa. Mar. 19, 2014) (Restrepo, J.).

For these reasons, and as set forth more fully in the accompanying memorandum of law, The Goodyear Tire & Rubber Company respectfully requests that the Court transfer this action to the United States District Court for the District of Nebraska.

Dated: August 8, 2017.

Respectfully submitted,

/s/ Justin Kerner  
Jayne A. Risk  
*jayne.risk@dlapiper.com*  
Justin Kerner  
*justin.kerner@dlapiper.com*  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Phone: (215) 656-3300  
Fax: (215) 656-3301

*Attorneys for Defendant*  
*The Goodyear Tire & Rubber Company*